HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION NO. 423 OF 2006

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Between:

Dr. Syed Mohammed Tanveeruddin Khudanumai.

……Petitioner

And

The State of Andhra Pradesh,

Rep. by its Secretary,

Department of Minority Welfare,

Secretariat Buildings, Saifabad,

Hyderabad and others.

……Respondents

:: JUDGMENT ::

Counsel for the Petitioner : Mr. K. Ashok Reddy

Counsel for Respondent No. 1 : Government Pleader for Social Welfare

Counsel for Respondent No.2 : Mr. A.M. Qureshi, Standing Counsel

Counsel for Respondent No. 3 : Government Pleader for

Home

Counsel for Respondent No. 4 : --

Dated: 25-01-2006

Per G.S. SINGHVI, CJ

The petitioner who is holding the post of Associate Professor, Head and Chairman, Board of Studies, Department of Persian, Osmania University has filed this petition in the name of public interest litigation for issuance of a writ in the nature of mandamus directing respondent Nos. 1 and 2 not to invite respondent No. 4 to address the congregation of the muslim community at the time of festivals like Eid-ul-Fitar, Eid-ul-Azha and Eid-ul-Zuha.

The petitioner has averred that for last many decades scholars in Islam have been addressing the gathering of muslims on the eve of Eid-ul-Fitar and Eid-ul-Azha (Bakrid), but in the recent past respondent No.2 has made a practice to invite respondent No.4 Hameduddin Aquil Hussami who has been giving political lectures and thereby destroying the atmosphere of such congregations. According to the petitioner, the speeches given by respondent No.4 are provocative in nature and are likely to disturb peaceful atmosphere in the city. His grievance is that respondents No. 1 and 2 are deliberately inviting only one person i.e., respondent No. 4 for giving speeches ignoring the fact that there are large number of scholars who are well versed with the religious studies and practices.

We have heard Sri K. Ashok Reddy, learned counsel for the petitioner and carefully gone through the averments contained in the writ petition.

In the course of hearing, we asked Sri Reddy to show from the record that respondent Nos. 1 and 2 had ever invited respondent No. 4 to address the congregation of muslims on the eve of festivals like Eid-ul-fitar etc. We also asked him to show that the so-called invitation sent to respondent No. 4 to address the gathering has resulted in violation of any provision of the Constitution or statutory instructions but the learned counsel could not draw our attention and continued to insist that the Court should call upon the respondents to lay down a policy for inviting scholars to address the congregations on the occasions of

Festivals of the muslims.

In our opinion, the petitioner has failed to make out a case for exercise of power by this Court under Article 226 of the Constitution of India and the writ petition is liable to be dismissed as frivolous piece of litigation instituted in the name of public interest for satisfying the personal whims of the petitioner who appears to have not been invited by muslim community to address the congregations on the occasions of different festivals. The suggestive averments made in the writ petition that speeches made by respondent No. 4 on different occasions are a political and have the tendency of spreading disaffection among the members of muslim community cannot be accepted because neither any evidence has been produced before the Court to substantiate the same nor it has been shown that the petitioner had ever complained to any competent authority against the offensive nature of the speech made by respondent No. 4.

With the above observations, the writ petition is dismissed.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

25-01-2005

ks/svs